

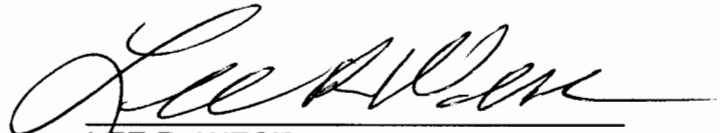
(2) DENIES Dinwiddie's Motion for Summary Judgment [Doc. 15] filed on September 17, 2008;

(3) DIRECTS Dinwiddie to respond to the merits of Thornton's Petition within twenty (20) days of the date of this Order;

(4) DENIES Thornton's Motion for Costs and Attorney's Fees¹ [Doc. 23] file-stamped December 19, 2008; and

(5) the referral in this matter having not been terminated, COMMITS this matter to Magistrate Judge Argo for further proceedings.

ENTERED this 13th day of January, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

¹Relying on Rule 56(g), F.R.Civ.P., which pertains to affidavits submitted in bad faith or solely for delay, and alternatively, on Rule 11, F.R.Civ.P., Thornton has sought costs in the amount of \$2.76 (\$1.50 for photocopying + \$1.26 for postage), fees in the amount of \$30.00 for time (6 hours) spent for research and preparation of the objection he filed in response to Dinwiddie's Motion for Summary Judgment, but see Report and Recommendation [Doc. 22] at 1 n.1, and \$11,090.00 for "extended time of imprisonment." Upon review of Dinwiddie's Motion for Summary Judgment, to which no affidavits were attached, and without deciding whether the types of fees and costs requested are appropriately or properly recoverable, the Court, based upon the record, finds no merit to Thornton's Motion for Costs and Attorney's Fees.